

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ESTATE OF PATRICK HARMON SR.;  
PATRICK HARMON II, as Personal  
Representative of the Estate of Patrick  
Harmon Sr., and heir of Patrick Harmon Sr.,  
TASHA SMITH, as heir of Patrick Harmon  
Sr.,

Plaintiffs,

v.

SALT LAKE CITY, a municipality; and  
OFFICER CLINTON FOX, in his individual  
capacity,

Defendants.

**SCHEDULING ORDER**

Case No. 2:19-cv-00553-HCN-CMR

District Judge Howard C. Nielson, Jr.

Magistrate Judge Cecilia M. Romero

Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

- | 1. | PRELIMINARY MATTERS  | DATE                     |
|----|--|--------------------------|
|    | Nature of claims and any affirmative defenses:                   |                          |
| a. | Date the Rule 26(f)(1) conference was held?                      | <u>December 29, 2021</u> |
| b. | Have the parties submitted the Attorney Planning Meeting Report? | <u>January 5, 2022</u>   |
| c. | Deadline for 26(a)(1) initial disclosures?                       | Completed                |

**2. DISCOVERY LIMITATIONS** **NUMBER**

- a. Maximum number of depositions by Plaintiff(s):  
Plaintiffs' position: 10  
Defendants' position: 5
- b. Maximum number of depositions by Defendant(s):  
Plaintiffs' position: 10  
Defendants' position: 5
- c. Maximum number of hours for each deposition  
(unless extended by agreement of parties): 7
- d. Maximum interrogatories by one side to another side: 25
- e. Maximum requests for admissions by one side to  
another side: 25
- f. Maximum requests for production by one side to  
another side: 25
- g. The parties shall handle discovery of electronically stored information as follows:
- The parties do not anticipate significant electronic discovery. Should the need arise due to the existence of substantial amounts of electronically stored information, the parties will confer regarding the filing of a Electronically Stored Information Protocol.
- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: *Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).*
- i. Last day to serve written discovery: July 6,  
2022
- j. Close of fact discovery: August 5,  
2022

- k. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26(e): July 6, 2022

The parties agree and stipulate to conduct a single, coordinated, discovery plan with related and remanded case currently pending in the Third Judicial District Court in and For Salt Lake County, Case No. 190905238. The parties agree and stipulate to observe aggregate discovery limitations for both cases not to exceed the limitations set herein (including number of depositions, one deposition of a particular witness, requests for production, requests for admission, and interrogatories). The parties also agree and stipulate to set an identical case plan and schedule in both cases. The parties deem anything produced in one case produced in both. The parties also stipulate that testimony, documents, and written discovery responses elicited/produced in one case will be valid for use in the other, subject to and without waiving potential objections under the federal and/or state rules of evidence. The parties intend to undertake a single, non-duplicative discovery plan that encompasses the entirety of both related cases which will be reflected in the case plan and scheduling order of both cases.

<b>3. AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b>	<b>DATE</b>
a. Last day for Plaintiffs to file Motion to Amend Pleadings:	<u>March 8, 2022</u>
b. Last day for Defendants to file Motion to Amend Pleadings:	<u>April 8, 2022</u>
c. Last day for Plaintiffs to file Motion to Add Parties:	<u>March 8, 2022</u>
d. Last day for Defendants to file Motion to Add Parties:	<u>April 8, 2022</u>

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

**4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS**

**DATE**

**Disclosures (subject and identity of experts)**

a. Party(ies) bearing burden of proof:

Plaintiffs:  
June 6,  
2022

Defendants:  
August 19,  
2022

b. Counter disclosures:

Plaintiffs:  
July 6,  
2022

Defendants:  
October 14,  
2022

**Reports**

a. Party(ies) bearing burden of proof:

Plaintiffs:  
June 6,  
2022

Defendants:  
August 19,  
2022

b. Counter reports:

Plaintiffs:  
July 6,  
2022

Defendants:  
October 14,  
2022

**5. OTHER DEADLINES**

**DATE**

a. Last day for expert discovery:

November  
11, 2022

b. Deadline for filing dispositive or potentially dispositive motions:

January 13,  
2023

- c. Deadline for filing partial or complete motions to exclude expert testimony: 70 days prior to trial

**6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION DATE**

- a. Likely to request referral to a magistrate judge for settlement conference: No
- b. Likely to request referral to court-annexed arbitration: No
- c. Likely to request referral to court-annexed mediation: No
- d. The parties will complete private mediation/arbitration by: 00/00/00
- e. Evaluate case for settlement/ADR on: August 5, 2022
- f. Settlement probability: Low/moderate

**7. TRIAL AND PREPARATION FOR TRIAL**

Deadline for filing a request for a scheduling conference with the district judge for the purpose of setting a trial date if no dispositive motions are filed. 1/20/2023

If dispositive motions are filed and the district judge's ruling on these motions does not resolve the case, the parties shall file a request for a scheduling conference with the district judge for the purpose of setting a trial date no later than one week after the ruling on the dispositive motions.

**8. OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

DATED this 6 January 2022.



Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah